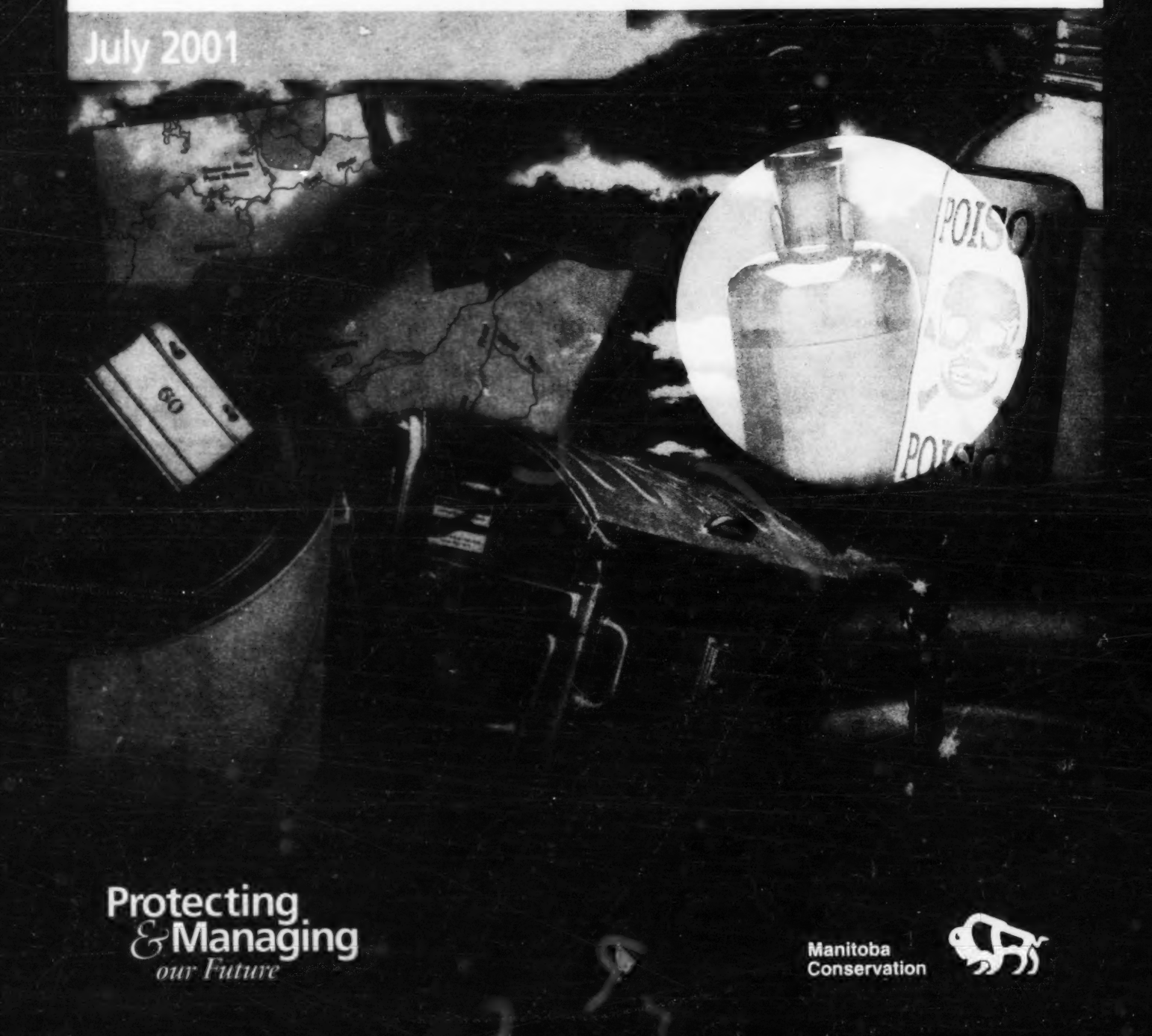
A Plan to Manage Household Hazardous Waste in Manitoba

July 2001



Protecting & Managing *our Future*

Manitoba Conservation

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Executive Summary

Household hazardous waste (HHW) is waste material generated in our homes that poses a risk to health, safety or the environment when disposed of in the municipal waste management system, that is, with our "regular" garbage.

The Manitoba Government intends to regulate the sale of products that become household hazardous waste. Put simply, manufacturers and retailers will not be allowed to sell these products unless they have a suitable plan for managing the disposal of them. This discussion document and accompanying draft regulation and guideline explain the proposed methods of managing HHW in the province.

Background

In 1999, Manitoba Conservation asked a number of stakeholders to study options and prepare recommendations on how best to manage HHW. This stakeholder committee met numerous times and, although it did not achieve consensus in all areas, was able to agree on a number of recommendations to government.

The draft regulation was then developed following substantial consultation with various stakeholder groups over the last two years. This discussion document and regulation are now being released for public review and comment in the belief that citizen input will result in an improved program with broader community support.

A Product Stewardship Approach

Following the advice of the stakeholder committee, the proposed new regulation envisions a *product stewardship* approach to handling HHW. This approach places primary responsibility for managing the wastes associated with designated products on the *sellers* and *manufacturers* of those products. It is modelled on the existing Manitoba regulation governing the collection and disposal of used oil and oil filters.

The stewardship approach is consistent with the view of the Manitoba Government that the cost of a hazardous waste program should be borne by the producers and consumers of the designated products. In other words, those who benefit from the sale and use of a product should contribute to the cost of managing any associated waste.

Different Options for Different Risks

The product stewardship approach permits a range of responses for different products, based on the level of risk the waste presents. Some products, such as used syringes, may only require better education of consumers on safe methods of disposal. Other products, such as paint or pesticides, will require a new, province-wide network of collection depots. Rechargeable batteries or pharmaceuticals might be handled through a return-to-retail system. It would be up to the sellers and manufacturers of the product to determine how best to operate their own product stewardship program, but each program would first have to be approved by Manitoba Conservation.

It is envisioned that where collection depots are determined to be the best method of handling waste material, that all products designated as HHW should be accepted at each collection depot; there would not be a separate depot for each type of hazardous waste.

Under the proposed regulation, the products designated as HHW fall into 11 categories:

- Batteries
- Consumer paint products
- Corrosives (such as oven cleaners and drain cleaners)
- Liquid fuels
- Domestic pesticides
- Pharmaceuticals (unused medications and hypodermic needles)
- Pressurized-flammable gas containers (such as propane BBQ tanks and single use tanks)
- Solvent and flammable liquids (such as gasoline, anti-freeze, and paint strippers)
- Swimming pool chemicals
- Consumer electrical and electronic equipment
- Products containing mercury (includes thermometers and fluorescent lighting)

Manitoba Conservation invites public comment on all aspects of the proposed regulation. Written comments should be directed to:

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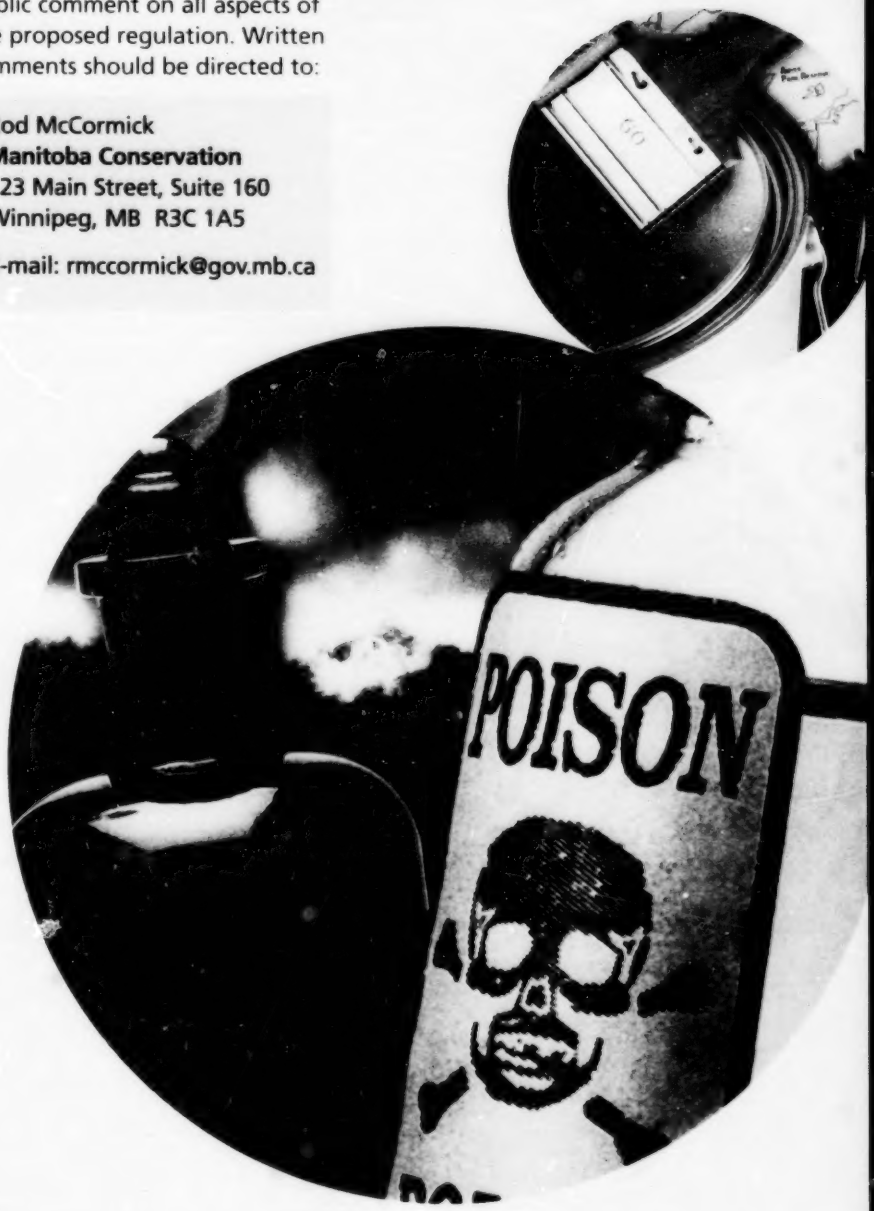

What is Household Hazardous Waste?

Household hazardous waste (HHW) is waste material generated in our homes that poses a risk to our health, safety or to the environment when disposed of with our "regular" garbage in municipal landfills.

General categories for HHW include:

- *flammable or combustible* products like paint and solvents
- *explosive or reactive* products such as gas cylinders and pool chemicals
- *corrosive* products like cleaners
- *toxic* products like pesticides
- products containing toxic *heavy metals*, such as batteries, computers, and televisions

Depending on how they are handled, pharmaceutical products and medical wastes (such as needles) also pose risks if improperly disposed of in the municipal waste stream.

When companies generate these hazardous wastes, the provincial *Dangerous Goods Handling and Transportation Act* requires them to take special steps to dispose of these wastes properly. However, when the legislation was passed in the 1980s it was deemed impractical to apply it to household wastes.

Since then, several programs have been established to manage specific problem wastes, such as used oil and old tires. However, there has not been a comprehensive, province-wide system of managing broad categories of HHW.

Samples of waste in Winnipeg and rural areas in 1998 indicated there was 1,979 tonnes of HHW in the residential waste stream in Manitoba. This represented less than one per cent of the 215,903 tonnes of residential waste generated in Manitoba that year. While this may seem like a minor amount, even a small amount of hazardous waste can cause considerable damage. For example, just one litre of used oil can contaminate 1,000,000 litres of water.

Estimate of Household Hazardous Waste in Residential Waste, Manitoba, 1998

	WINNIPEG		RURAL		TOTAL	
Material	**Tonnes**	**%**	**Tonnes**	**%**	**Tonnes**	**%**
Batteries	132	9.71%	144	23.26%	276	13.95%
Full Medicine	194	14.26%	12	1.94%	206	10.41%
Fluorescent Tubes	22	1.62%	18	2.91%	40	2.02%
Used Oil & Filters	63	4.63%	192	31.02%	255	12.89%
Paint	169	12.43%	135	21.81%	304	15.36%
Solvents	478	35.15%	45	7.27%	523	26.43%
Other HHW	302	22.21%	73	11.79%	375	18.95%
Estimated total	**1,360**		**619**		**1,979**	
Percentage of residential waste		**0.75%**		**1.84%**		**0.92%**

Source: Manitoba Product Stewardship Corporation

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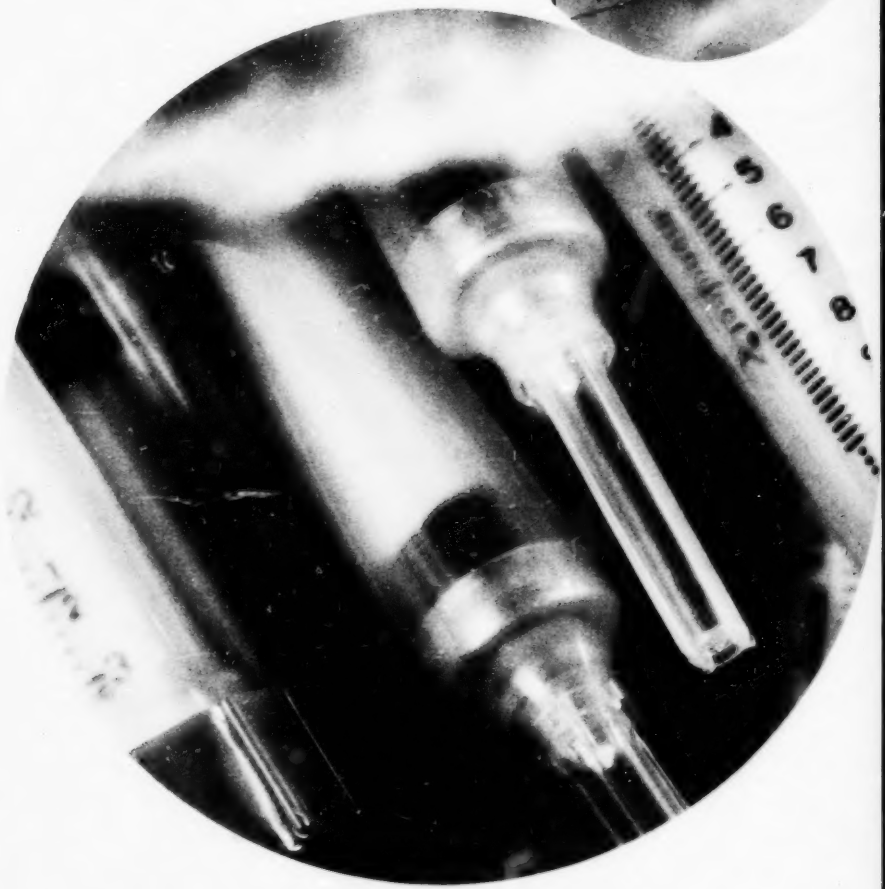
What's So Bad About Household

Hazardous Waste?

There are numerous reasons why HHW should be kept out of the municipal waste system (as well as sewage disposal systems). For example:

- Flammable or combustible products pose a fire risk during waste collection and in waste disposal operations.
- Explosive, corrosive, poisonous or reactive products pose elevated risks to people who work with waste and can cause obvious problems in a landfill.
- Metals used in the circuitry of computers and in televisions – including lead, mercury, and cadmium – can be an environmental hazard in landfills. If decomposed over long periods of time these metals can degrade and contaminate groundwater.
- Needles that have not been properly prepared for disposal can be unsafe for garbage workers.



How is Household Hazardous Waste

Currently Collected?

Manitoba Conservation currently supports a HHW collection program. However, with annual funding of $425,000, this program has not been able to meet public demand for service. The program organized 14 rural and 16 Winnipeg collection events in 2000. The Association of Manitoba Municipalities, the Regional Waste Management Task Force, environmental groups, and many citizens have asked for a more comprehensive program with improved services. Citizens brought 10 per cent more material to the depots in 2000 than in the previous year.

In 2000, the Household Hazardous Waste Collection Program collected the following materials:

HHW Material Collected – Manitoba, 2000 in litres or kilograms.

Description	Amount	% of total	Material
Latex and oil based paints	261,300	62.3%	Paint
Some latex paints, water softeners, etc.	55,501	13.2%	Resins and plastics
Solvents, mixes, paint solvents, turpentine, wax removers	39,938	9.5%	Non-halogenated solvents
Aerosol paint, cleaners, pesticides, propane bottles	19,813	4.7%	Aerosols/compressed gases
Vehicle batteries	14,586	3.5%	Acid filled batteries
Paint strippers, carbon tetra. fire extinguishers, pesticides	10,085	2.4%	Halogenated organic waste
Drain Cleaners, ammonia, window wash	7,062	1.7%	Alkaline solutions
Pharmaceuticals, pesticides, photo processing waste	6,831	1.6%	Miscellaneous – organic
Muriatic acid, cleaners, photo chemicals	2,455	0.6%	Acid solutions
Oily water, rags, absorbents	1,431	0.4%	Oil wastes
Pharmaceuticals, photo chemicals, waxes, adhesives	1,744	0.4%	Miscellaneous – inorganic
Contaminated gasoline, etc.	920	0.2%	Fuels
Chemistry sets, copper sulfate, calcium chloride	41	0.1%	Aqueous salts
Total Material Collected	**419,062**		**litres or kilograms**

There were 419 tonnes of hazardous materials collected by this program in 2000. While that is a significant amount (equal to about 140 full garbage trucks), it is only about 20 per cent of the estimated amount of HHW in Manitoba's residential waste stream.

REDUCE

Manitoba Conservation believes the *amount* of HHW generated can be reduced considerably if consumers plan their purchases more carefully. Ideally, many common products such as bleach, drain cleaner, and paint should be used entirely and never enter the waste stream. By purchasing only the amount required for the job at hand, Manitobans can save money and keep potentially hazardous products out of landfills.

Comments from Stakeholder Groups

Manitoba Conservation asked a group of key stakeholders to work with the department to prepare options and recommendations for the minister of Conservation on how best to develop and implement a program to manage HHW.

Key Stakeholder Groups on the HHW Management Committee

Association of Manitoba Municipalities
B.C. Paint Care Association
Canadian Household Battery Association
Canadian Paint and Coatings Association
City of Winnipeg
Food and Consumer Products Mfrs. of Canada
Manitoba EcoNetwork
Manitoba Environmental Council
Pharmaceutical Mfrs. Association of Canada
Retail Council of Canada
Winnipeg Paint Association
Automotive Industries Association of Canada
Canadian Diabetes Association
Cdn. Mfrs. of Chemical Specialties Association
Canadian Petroleum Products Institute
Consumers Association of Canada (Manitoba)
Illuminating Engineering Society
Manitoba Conservation
Manitoba Pharmaceutical Association
Resource Conservation Manitoba
Winnipeg Chamber of Commerce, SD Committee
Winnipeg Regional Health Authority

The committee first met in April 1999 and considered a number of models for improving Manitoba's HHW management system, such as:

- return to retail
- deposit/return
- landfill bans
- bans on the sale of hazardous products
- tougher enforcement of existing requirements
- municipal funding of HHW collection
- user pay based systems
- provincial government funding of the system
- Manitoba's existing product stewardship programs for used oil and used tires

While there was no clear consensus on one superior model, the greatest support was given to emulating Manitoba's existing program for handling used oil, that is, the Used Lubricating Products Stewardship Program.

By October 1999, after five meetings, the committee was able to reach consensus on a number of areas. These were endorsed by Manitoba Conservation and are listed on the following page.

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1) There is a need for a program to reduce the generation of HHW and divert materials from waste disposal.
2) The goal of the program should be

   "To reduce the generation of HHW and provide an effective and cost efficient collection and management system for HHW materials that present significant risk to health, safety or the environment by education and by providing appropriate methods of disposal."
3) Harmonized approaches should be pursued.
4) There should be clear criteria applied to determine what materials should be included in a HHW program.
5) Definitions of what would be included should be subject to a multi-stakeholder process.
6) A HHW program should emphasize a comprehensive public education program, including:
   - A list of HHW products and materials
   - Reducing the amount of HHW generated
   - Encouraging safe handling procedures
   - Information on products requiring special handling to remove from the HHW stream
7) There should be minimum standards established for drop off sites.
8) There should be training for those handling HHW.
9) Provincial government should pass appropriate laws and enforce them.
10) The HHW program should have and be accountable for achieving clear performance targets for reduction and recovery of HHW (materials), participation and access.

The stakeholder committee reported to the minister of Conservation in the fall of 1999 and its recommendations and comments helped government prepare the proposed regulation on HHW.

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Proposal for Managing Household Hazardous Waste in Manitoba:

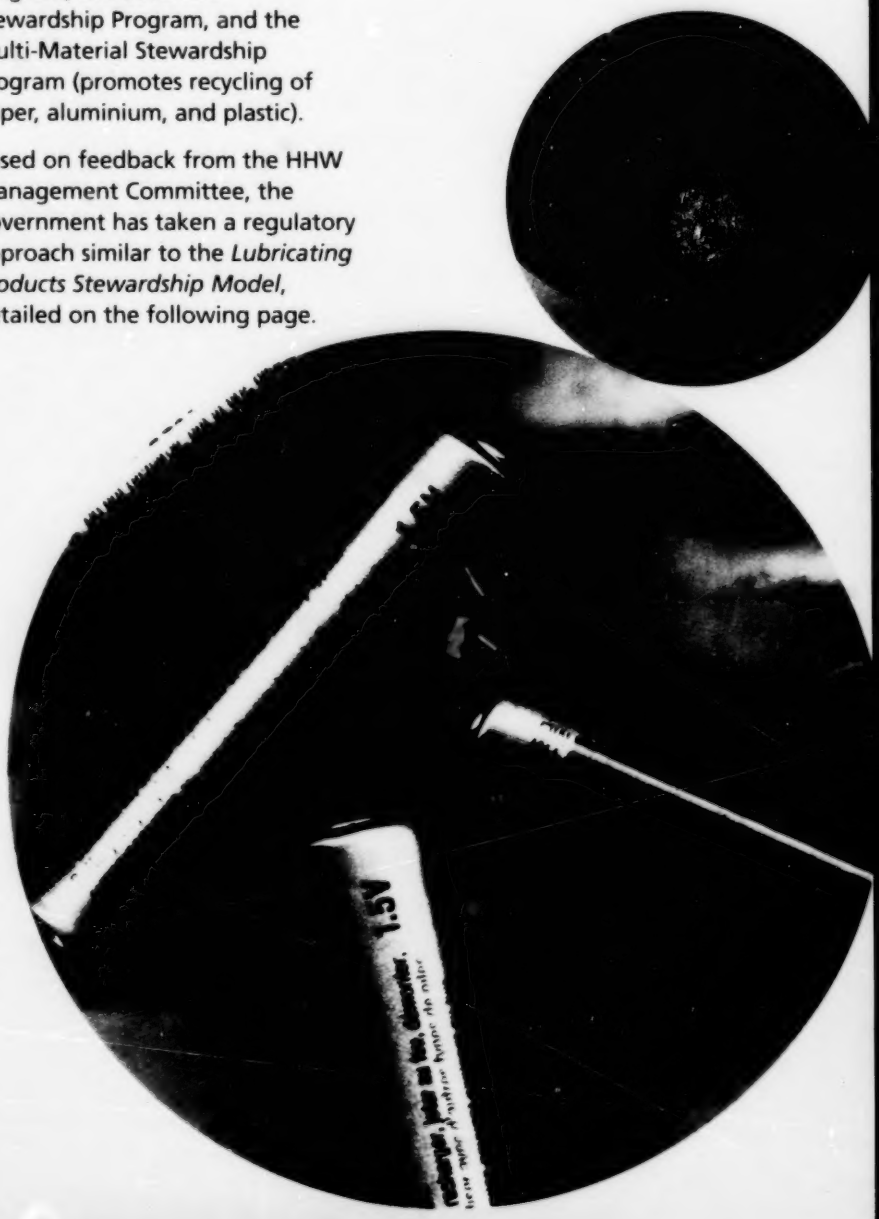
A Product Stewardship Approach

Manitobans want a permanent collection and disposal system for HHW. The provincial government proposes using a *product stewardship* approach to accomplish this. This approach places primary responsibility for managing the wastes associated with designated products on the *manufacturer* and *sellers* of those products.

The approach permits a range of responses for different designated products. For example, some products, such as hypodermic needles, can be safely disposed of with "regular" garbage if they are packaged in a hard container and taped closed. In this instance, greater consumer education may be all that is required. On the other hand, some products such as paint or pesticides are not appropriate in the municipal waste stream, so a new province-wide collection system may need to be established.

Manitoba already has some experience with three existing stewardship programs: the Lubricating Products Stewardship Program, the Used Tire Stewardship Program, and the Multi-Material Stewardship Program (promotes recycling of paper, aluminium, and plastic).

Based on feedback from the HHW Management Committee, the government has taken a regulatory approach similar to the *Lubricating Products Stewardship Model*, detailed on the following page.



A Plan to Manage Household Hazardous Waste in Manitoba

Lubricating Products

Stewardship Model

The provincial government has modelled its new HHW management program after Manitoba's existing program for managing used oils.

In 1997, the provincial government passed regulations that changed the way used oil is managed in Manitoba. The current regulation requires anyone selling oil, oil filters, and containers, or importing them for their own use, to provide or subscribe to an approved *product stewardship program* for those products. "Stewardship" programs make manufacturers and sellers responsible for the products they create and sell.

The lubricants industry, led by the Canadian Petroleum Producers Institute, established the Manitoba Association for Resource Recovery Corp (MARRC) a not-for-profit industry association. Stewards pay MARRC a membership fee, as well as environmental levies based on unit sales. MARRC uses those fees to support a province-wide collection system.

In 1996, prior to the MARRC program, measured recovery of used oil in Manitoba was 6.3 million litres (only about 30 per cent of potential recovery). By 1999, the first full year of operation, recovery increased to 11.9 million litres or approximately 80 per cent of potential used oil recovery. Filter recovery is now at 65 per cent of sales compared to only a few per cent prior to MARRC. Container recovery is about nine per cent of sales and MARRC is taking steps to increase this level.

Under MARRC's business plan, municipal governments are key partners in establishing and operating collection depots. Municipal governments are expected to contribute to the capital cost of infrastructure in their community, while receiving operating revenue based on volume collected and an allowance for a return on their investment in the program.

For more information:

MARRC's complete business plan is available on Manitoba Conservation's Web site.
www.gov.mb.ca/environ/pages/emd/pollprev/usedoil/main.html

The proposed regulation governing HHW is based on MR 86/97, Used Oil, Oil Filters, and Containers Stewardship Regulation.

www.gov.mb.ca/environ/pages/emd/pollprev/usedoil/uoofacsr.html

Lubricating Product Recovery in Manitoba, 1999

Material	Available	Recovery	Recovery %	Unit
Lubricating Oil	15,000,000	11,900,000	79.33%	Litres (not consumed in service)
Oil Filters	2,000,000	1,300,000	65%	Filters
Oil Containers	1,000,000	92,000	9.2%	Kilograms

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Implementation Process

There are several specific steps required to implement the proposed product stewardship approach:

- Government regulation
- Stewardship plan is prepared
- Government compares stewardship plan to specific criteria
- Government approves or rejects plan
- Revenue and collection strategies commence
- Reporting and monitoring
- Enforcement

Government Regulations

The Manitoba Government has drafted a regulation under *The Waste Reduction and Prevention Act* to impose product stewardship requirements on the manufacturers and sellers of designated products that leave hazardous waste. The manufacturers/sellers of these products will be required to provide, or subscribe to, a product stewardship program that meets specific government criteria. Their only other option is to stop selling materials that produce HHW.

The regulation will help create a "level playing field" for those selling designated products, in that everyone will have to play by the same rules. The regulation also ensures that programs are transparent and accountable to the public and government for achieving objectives.

Stewardship Plan is Prepared

Potential stewards of HHW will be required to submit a plan on how the proposed stewardship program would operate. These plans will be public documents, available for examination by citizens.

It is expected that vendors and/or manufacturers of a particular product will take the lead in organizing a stewardship program. However, the regulation leaves room for others to organize a stewardship program for a designated material in cases where the sellers are reluctant or unable to take responsibility for their products.

Government Compares Stewardship Plan to Specific Criteria

Proposed business plan(s) will be subject to public review and comment and assessed by Manitoba Conservation against a set of standard criteria. These criteria include financial, service, educational, and operational requirements (see Appendix 1).

Government Approves or Rejects Plan

The proposed regulation details the process associated with approving a submitted plan, including rejecting submissions or identifying areas where more information is required prior to government approval.

Revenue and Collection Strategies Commence

Once Manitoba Conservation approves the stewardship plan, the stewardship group would undertake to raise funds and use them to establish the infrastructure required to collect HHW. It is anticipated municipalities might be asked to make some financial contribution, such as land for the facilities (particularly when they are to be built at landfill sites) or labour by municipal workers where the amounts of HHW collected do not warrant the employment of fulltime staff. However, it's expected most of the funds would come from environmental levies or from fees paid by the manufacturers/distributors of the product.

This is consistent with the view of the Manitoba Government that the cost of a HHW program should be borne by the producers and consumers of the designated products. In other words, those who benefit from the sale and use of a product should bear the cost of disposal.

It is envisioned that where collection depots are determined to be the best method of handling waste material, that all products designated as HHW would be accepted at each collection depot. There would not be separate depots for each type of hazardous waste designated in the regulation.

Reporting and Monitoring

The regulation would require each stewardship program to prepare an annual report on activities and achievements, including audited financial statements and performance measures. In addition, stewards (i.e. companies selling designated products) may have specific reporting requirements imposed upon them as part of the requirement for subscribing to or operating a product stewardship program.

Under the product stewardship approach, responsibility for designated materials is moved as high up the distribution chain as possible. For example, the retailers selling products with the potential to become HHW would not normally have to report sales, but their suppliers would. This tends to keep reporting requirements reasonable and minimize the number of stewards being monitored.

Enforcement

Monitoring and auditing of stewards will largely be performed by the relevant stewardship agency. Manitoba Conservation will also respond to citizen concerns by monitoring the stewards and enforcing the regulation.

How Would This Stewardship Proposal Address

HHW Management in Manitoba?

Flexible Response Tailored to the Product

The proposed regulation facilitates the establishment of product stewardship programs to deal with HHW. Additionally, it allows for the creation of specialized programs to address specific waste streams. For example, the international program to collect nickel-cadmium rechargeable batteries through a return-to-retail system could be approved as an acceptable program; a new program may not be required. For wastes that are acceptable in the municipal waste stream if properly packaged, such as used needles generated in households, a plan to educate consumers and report on activities and progress may be acceptable.

New Collection Infrastructure

Certain designated products – such as paint, solvents, and pesticides – will require the establishment of a new collection infrastructure to replace the existing government funded program.

The regulation calls for a "one-stop" approach to collection, where a single site would collect a number of HHW products. The Draft Stewardship Criteria for HHW (Appendix 1) favours the establishment of a depot network in conjunction with the existing Used Oil Depot network.

Some products, such as pharmaceuticals and rechargeable batteries, could be returned primarily through return-to-retail systems.

Program Funding Through Industry Contributions or "Eco-Fees"

A sustainable, province-wide management system for HHW will have significantly higher costs than Manitoba Conservation's current program for recovering HHW. The cost of the program will be directly related to the use of the system and the volume of materials handled.

The current system, funded out of Manitoba Conservation's budget, required $425,000 in 1999/2000. It recovered about 19 per cent of the HHW in the residential waste stream. An enhanced system diverting 60 per cent or more of the HHW in the waste stream could cost in the area of $2 million to $3 million annually depending on the scope and nature of the designated materials and the collection infrastructure. (This figure does not include the cost of disposing of electronic consumer products.) The main costs for this type of collection programs will be the disposal of the collected materials. In some cases, these costs may be paid by the manufacturers and distributors of products (stewards) and by consumers through "eco-fees" (environmental levies). Where an extra charge is required to finance a product stewardship program, the government will require audited financial statements that will be available for public review, and will impose requirements to ensure that the program remains accountable to the public.

The exact financial arrangements for each stewardship plan would have to be addressed in a business plan submitted to the minister. Some industry representatives have indicated that they expect local governments to demonstrate their interest in better waste management systems by investing in local infrastructure. Others have indicated that they will absorb the costs of an improved waste diversion system.

Materials Covered by the

Proposed Regulation

The proposed regulation focuses on retail products that, because of their physical or chemical nature, could present a risk to human health, safety or the environment if not properly managed. Products governed by the legislation fall into the 11 categories below. Categories one to nine will be considered HHW and subject to regulation as of April 1, 2002, while categories 10 and 11 will be subject to regulation as of September 1, 2002.

1. **Batteries**
   Lead acid (vehicle) batteries, and button and rechargeable batteries are included in this group. Zinc carbon or alkaline-type batteries are acceptable in the regular waste disposal system.

2. **Consumer paint products**
   Latex, oil, and solvent based architectural coatings, including stains and paints for commercial and homeowner use, whether tinted or untinted. Also includes paints and stains, whether coloured or clear, sold in pressurized aerosol containers. Does not include unpressurized coatings supplied in containers larger than 30 litres.

3. **Corrosives**
   Acids or bases like oven cleaners, drain cleaners, lime, and grout.

4. **Liquid fuels**
   Includes gasoline, heating oil, diesel, kerosene, and naphtha.

5. **Domestic pesticides**
   All domestic pesticides as defined in *The Pest Control Products Act* (Canada).

6. **Pharmaceuticals**
   Includes all unused or expired prescription and non-prescription medications, as well as hypodermic needles distributed for home use.

7. **Pressurized-flammable gas containers**
   Reusable or single-use containers, with a capacity between 0.25 L to 30 L, supplied for the purpose of containing pressurized flammable gases. Propane barbecue tanks are included, as are disposable containers holding benzene and acetylene.

8. **Solvent and flammable liquids**
   Includes gasoline, adhesives, all types of polishes, gas line antifreeze, methyl hydrate, acetone, and some paint strippers.

9. **Swimming pool chemicals**
   Solid products or substances that contain chlorine and are used for the treatment or disinfection of swimming pools or for other household purposes.

10. **Consumer electrical and electronic equipment**
    Televisions and video display equipment, personal computers, laptop and portable computers, monitors, and computer accessories (e.g. printers, scanners, data storage devices).

    (It is estimated the amount of electronic and electrical equipment scrapped from houses will increase five-fold in the next few years as the pace of technological change continues.)

11. **Products containing mercury**
    Products and mechanical or electric devices that contain mercury or mercury compounds. They include switches, thermometers, and fluorescent lighting.

Manitoba Conservation invites public input on all aspects of the proposed regulation. Written comments should be directed to:

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Appendix 1:
Draft Stewardship Criteria For HHW

Program Expectations

Broad Expectations

1. Only environmentally acceptable practices will be supported.
2. A program should achieve objectives in the most efficient and practical way.
3. Harmonization with other provinces should be pursued.
4. Initiatives should recognize and promote the hierarchy of source reduction, reuse, recycling, and recovery in support of general resource conservation.
5. The operation of household hazardous waste programs should be open to public review to measure program effectiveness.
6. Consumers, industry and all levels of government should share responsibility for reducing environmental impacts and for making the program viable.
7. The provincial government should provide an appropriate legislative/regulatory framework and enforcement presence.
8. Environmental protection requirements will be specified by Manitoba Conservation.
9. HHW programs should be managed by industry in partnership with other stakeholders.
10. All sellers of products that become HHW must participate in the provision of stewardship programs.

Financial Expectations

11. Any charge attributed to the management of HHW must be dedicated to addressing the management of HHW.
12. The financial arrangements of any approved program must be public information.
13. There should be standard rates for all eligible material collected. These rates should recognize the differences in costs in servicing different parts of the province.
14. Capital assistance may be made available for designated sites.

Service Expectations

15. Opportunities for the collection of HHW shou!d be conveniently available.
16. Facilities should take all designated products at no charge to the public.
17. All management programs should ensure province-wide coverage.
18. Depots should be required to collect all designated types of HHW.
19. Depots should be located in relation to major population centres.
20. Where authorized by the municipal government, collection depots may be located at waste disposal grounds.
21. In rural Manitoba, a radius of approximately 50 km is appropriate spacing for facilities.
22. In Winnipeg, facilities should be approximately 15 minutes drive from any point in the city.
23. In remote areas and northern Manitoba, different standards may be used.

24. All collection sites that meet minimum requirements should qualify for collection incentives.
25. Incentives for depot operators should be based on volumes collected.
26. Alternatives to permanent depots, such as travelling collection events, should be explored.
27. Consistent and reliable service schedules are important.

Educational Expectations

28. Programs should assist with training operators.
29. Government should provide direction for the broad long-term shifts in societal attitude and behaviour required for program effectiveness.
30. Emphasis should be placed on enhancing awareness of proper methods for reducing and managing HHW.
31. The management program should include an effective communication component to ensure citizens understand how to use the system properly.

Operational Expectations

32. Programs should address service for any large generators of designated materials
33. Liability is the responsibility of the person with care, custody, and control of the hazardous waste.
34. Public access depots will follow operating guidelines to minimize liability.
35. The government should evaluate proponents with regard to their ability to deal with contingencies.

Proposed Household Hazardous Waste Stewardship Regulation

Interpretation

1(l) In this regulation

"Act" means *The Waste Reduction and Prevention Act;*

"ASTM" means the American Society for Testing and Materials;

"business" includes farming;

"categories of household hazardous material" means the categories set out in the first column of the schedule;

"container" means a container that is manufactured for the purpose of holding a designated material or in which a designated material is supplied;

"household hazardous material" means any of the products, substances, material, devices or equipment that are designated as designated material by section 2;

"household hazardous waste" means

a) household hazardous material

i) that through use, storage, handling, defect, damage, expiry of shelf life or other similar circumstance can no longer be used for its original purpose, or

ii) that, for any other reason, the owner or person in possession of the material intends to dispose of it, and

b) the packaging or container in which household hazardous material was supplied;

"household hazardous waste stewardship program" means a waste reduction and prevention program for household hazardous waste approved under section 6;

"operator" means a person who operates a stewardship program approved by the minister in accordance with this regulation;

"person" includes a partnership;

"registry" means the public registry established under section 17 of *The Environment Act;*

"steward" means a steward of household hazardous material;

"steward of household hazardous material" means

a) the first person who, in the course of business in Manitoba, supplies household hazardous material to another person, or

b) a person who, in the course of business in Manitoba, uses household hazardous material obtained in a supply transaction outside of Manitoba;

"supply" means to transfer a property interest by

a) sale, whether conditional or otherwise

b) exchange

c) barter

d) lease or rental, whether with an option to purchase or otherwise, or

e) gift

but does not include a supply that is effected solely to create a security interest within the meaning of *The Personal Property Security Act* or the *Bank Act* (Canada).

1(2) A supply of household hazardous material by a person is a supply "for consumption" if it is a supply

a) by the person for consumption by a final consumer in Manitoba and not for the purpose of its being supplied again; or

b) to a second person followed by one or more supply transactions, any of which is a transaction in which the household hazardous material is supplied for consumption by a final consumer in Manitoba and not for the purpose of being supplied again.

1(3) For the purposes of this regulation household hazardous material is categorized in the categories set out in the schedule.

Designation of Material

2(1) Products, substances, material, devices or equipment that are in the following categories of household hazardous material are designated as designated material for the purpose of the Act effective April 1, 2002: batteries category; consumer paint products category; corrosives category; liquid fuels category; pesticides category; pharmaceuticals category; pressurized flammable-gas containers category; solvents and flammable liquids category; and swimming-pool chemicals category.

2(2) Products, substances, material, devices or equipment that are in the following categories of household hazardous material are designated as designated material for the purpose of the Act effective September 1, 2002: consumer electrical and electronic equipment category; and mercury-containing products category.

Household Hazardous Waste Stewardship Program

Prohibitions

3(1) No person shall supply household hazardous material for consumption unless

a) the steward of the household hazardous material operates or subscribes to a household hazardous waste stewardship program for the material; or

b) the person operates or subscribes to a household hazardous waste stewardship program for the material.

3(2) No person shall in the course of business use in Manitoba household hazardous material obtained in a supply transaction outside of Manitoba unless the person operates or subscribes to a household hazardous waste stewardship program for the material.

3(3) No person shall supply household hazardous material for consumption in a retail sale in Manitoba unless the person makes available to the consumer point of sale information under a household hazardous waste stewardship program for the material.

3(4) No steward of household hazardous material shall supply the material for consumption unless the steward has given written notice to the minister, in the form required by the minister, of intention to supply the material and a description

a) of the material to be supplied; and

b) of how the steward intends to meet the obligations imposed on him or her under subsection (1), (2) or (3).

Requirements for household hazardous waste stewardship program

4(l) A household hazardous waste stewardship program

a) shall be consistent with the principles set out in clauses 1(2)(c) to (f) of the Act;

b) shall be consistent with any written guidelines established by the minister respecting such programs; and

c) shall be open to any steward who wishes to subscribe to the program in accordance with the plan for the program approved by the minister under this regulation.

4(2) A plan for a household hazardous waste stewardship program shall include provision for

a) the establishment and administration of a waste reduction and prevention program for one or more categories of household hazardous material;

b) the appropriate management of the household hazardous waste included in the program in accordance with any written guidelines established by the minister;

c) a province-wide, convenient collection system for the household hazardous waste included in the program, without user fees for users of the system;

d) a system for the payment of expenditures incurred in the collection, transportation, storage, processing, and disposal of the household hazardous waste in connection with the waste reduction and prevention program;

e) the orderly collection of revenues from subscribers to the program in balance with expenditures for the program;

f) the establishment and administration of education programs for the purpose of the waste reduction and prevention program;

g) the establishment and administration of a point of sale information program for the purpose of the waste reduction and prevention program; and

h) the payment of salaries and other costs of government for the administration and enforcement of this regulation and of the Act as it relates to the household hazardous material included in the program.

4(3) A plan for a household hazardous waste stewardship program may include

a) provision for the establishment and administration of research and development activities related to the management of household hazardous waste;

b) provision for training and educational activities related to the management of household hazardous waste;

c) provision for activities related to pollution prevention and waste reduction; and

d) any other activities that the minister may approve.

4(4) The fiscal year of a household hazardous waste stewardship program shall be the calendar year.

Application for approval

5(1) A person who intends to operate a household hazardous waste stewardship program shall submit a plan for the program and apply to the minister for approval of the plan.

5(2) An application for approval of a plan for a household hazardous waste stewardship program or renewal of an approval shall

a) be in the form and contain the information required by the minister; and

b) include a business plan for the implementation of the applicant's responsibilities under the Act and this regulation covering the period for which the approval is being sought.

5(3) A plan for a household hazardous waste stewardship program, or for the renewal of an approval, shall be filed in the registry upon receipt by the minister and the minister will

a) receive comments on the plan for 28 days from the date it is filed in the registry; and

b) consider the comments before making a decision on whether or not to approve the plan under subsections 6(1) and (2).

5(4) An application for renewal of an approval must be received by the minister no later than 60 days before the expiry or the existing period of approval.

Applicant must meet requirements for approval

6(1) An applicant shall meet the requirements of the Act, this regulation and any written guidelines established by the minister before being entitled to an approval of a household hazardous waste stewardship program plan or renewal of an approval.

6(2) The minister may grant an approval subject to conditions.

6(3) The minister may grant an approval on an interim basis subject to conditions to be complied with by the applicant pending confirmation or refusal of the approval.

Issuance of approval

7(1) In this section **"approval"** includes an interim approval granted under subsection 6(3).

7(2) The minister shall issue a letter of approval to an applicant who is entitled to an approval of a household hazardous waste stewardship program plan or a renewal of approval.

7(3) A letter of approval shall set out any conditions imposed by the minister.

7(4) An approval expires on the date stated in the letter of approval.

7(5) An approval is not transferable.

Procedure for refusal of approval or renewal

8(1) When the minister proposes to refuse to grant or renew an approval of a household hazardous waste stewardship program plan, the minister shall serve a notice of the proposal and a statement of the reasons for it on the applicant.

8(2) A notice under subsection (1) must inform the applicant that he or she may, within 10 days after the notice is served make representations in writing about the proposal.

8(3) If the applicant does not respond within the time stated in the notice the minister may carry out the proposal stated in the notice.

8(4) If the applicant responds within the time stated in the notice, the minister shall consider the representations by the applicant before

a) carrying out the proposal; or

b) granting the approval or renewal.

Continuance when renewal pending

9 When an applicant applies for renewal of the approval of his or her program plan within the time limit prescribed in subsection 5(4), the approval is deemed to continue

a) until the renewal is granted; or

b) if the applicant is served with a notice under subsection 8(1), until the minister carries out his or her proposal or issues the renewal.

Suspension or cancellation of approval

10(1) The minister may suspend or cancel the approval of a plan for a household hazardous waste program where the operator is in breach of any provision of the Act or this regulation, or of *The Dangerous Goods Handling and Transportation Act* or the regulations under that Act.

10(2) Where the approval of a plan for a household hazardous waste program is suspended under subsection (1), the operator shall not operate the program until he or she satisfies any requirements for reinstatement imposed by the minister.

10(3) When the minister proposes to cancel or suspend the approval of a household hazardous waste stewardship program plan, the minister shall serve a notice of the proposal and a statement of the reasons for it an the operator and subsections 8(2) to (4) apply to the notice and the proposal with necessary modifications.

Cancellation in certain circumstances

11 Notwithstanding anything in this regulation, the minister may cancel the approval of an operator who

a) ceases to operate a program; or

b) applies to surrender his or her approval.

Amendment of plan

12(1) An operator may apply for approval of an amendment to a household hazardous waste stewardship program plan subsequent to the approval of the plan by the minister and shall

a) file the amended program plan with the minister without delay for the minister's approval; and

b) provide the minister with such information as he or she may require about the amendment and its effect on the program plan.

12(2) An operator shall not act on any amendment to a program plan until the minister has notified the operator in writing that the amendment has been approved.

12(3) An amended program plan shall be filed in the registry upon receipt by the minister and the minister will

a) receive comments on the amended program plan for 28 days from the date it is filed in the registry; and

b) consider the comments before making a decision on whether or not to approve the amended program plan under subsection 12(4).

12(4) The minister may approve the amendment or may, subject to subsection (5), refuse to approve the amendment.

12(5) When the minister proposes to refuse to approve an amendment, he or she shall serve a notice of the proposal on the operator and subsections 8(2) to (4) apply to the notice and the proposal with necessary modifications.

Implementation of plan

13 An operator shall ensure that a household hazardous waste stewardship program plan, as originally approved or approved as amended under section 12, is implemented substantially in accordance with its intent, subject to any conditions imposed by the minister.

Reports and Confidentiallty

Annual report

14 Within 90 days after the end of the fiscal year, an operator shall provide to the minister an annual report summarizing the program activities of the operator in the fiscal year and containing audited financial statements covering the program for the fiscal year.

Information to be confidential

15(1) Except as provided in subsection (2), information in any document upon which a report provided under section 14 is based is confidential to the extent that any information in the document would be reasonably expected to identify the sales volume or market share of any steward in respect of any kind of household hazardous material and no person who obtains the document shall knowingly disclose, or permit any person to disclose that information, except with the consent of the person who provided the report or document.

15(2) A report provided under subsection (1) or any document upon which the report is based may be disclosed

a) for the purpose of the administration or enforcement of the Act or this regulation or legal proceedings related to that enforcement;

b) when required by law; or

c) when the information in the report or document is publicly available.

Availability of plans and annual reports

16(1) The minister shall

a) lay a copy of an annual report received by him or her under section 14 before the Legislative Assembly

i) immediately if the Legislative Assembly is in session, or

ii) if the Legislative Assembly is not in session, within 15 days of the beginning of the next ensuing session; and

b) file a copy of an annual report received by him or her under section 14 in the registry.

16(2) After providing the minister with an annual report under section 14, the operator of a household hazardous waste stewardship program shall make a copy of the report available without cost to any person on request.

General Provisions

Minister may establish guidelines

17 The minister may establish written guidelines respecting

a) the requirements for a household hazardous waste stewardship program and the operation of such a program;

b) the management of household hazardous waste; or

c) any other matter provided for under this regulation.

Service of notice

18(1) A notice that is required to be served by the minister shall be served on a person in accordance with subsection (2), and

a) if the person is an individual, on the individual;

b) if the person is a corporation, on a director or officer of the corporation; or

c) if the person is a partnership, on a partner who is an individual or a corporation, in the manner set out in clause (a) or (b), as the circumstances require.

18(2) A notice may be served on a person or on a director or officer of a corporation

a) by personally giving a copy to the person, director or officer;

b) by sending a copy to his or her address last known to the minister by any method, including registered mail, certified mail or prepaid courier, if there is a record of delivery by the party who delivered the copy; or

c) by telephone transmission of a facsimile of the notice or by other electronic transmission to the person, director or officer, if there is a record

i) of the telephone number to which the transmission was sent,

ii) of the date on which the transmission was sent, and

iii) that the transmission included the full text of the notice.

18(3) A notice sent by mail is deemed to be received by the intended recipient on the earlier of

a) the day the intended recipient actually receives it; and

b) the fifth business day after the day it is mailed.

18(4) A notice sent by a method referred to in clause (2)(c) is deemed to be received by the intended recipient on the earlier of

a) the day the intended recipient actually receives it; and

b) the first business day after the day it is sent.

Handling of gasoline

19 No operator of a household hazardous waste stewardship program for gasoline is obligated to accept gasoline unless it is in a container approved for gasoline storage by Underwriters' Laboratories of Canada.

Schedule
(Section 1 (3))

Categories of Household Hazardous Materials

Category Name	Description of Included Products, Substances, Material, Devices or Equipment	Examples (if applicable)
Batteries	Devices that convert chemical energy to electrical energy, but not including zinc-carbon or alkaline-type batteries.	Automotive batteries; rechargeable batteries; small batteries
Consumer Electrical and Electronic Equipment	Televisions, video display equipment, personal computers, laptop and other portable computers, personal computer monitors, computer peripherals.	Computer peripherals such as printers scanners and data storage devices
Consumer Paint Products	**1.** Latex, oil and solvent-based architectural coatings, whether tinted or untinted, including paints and stains for commercial and homeowner use, but not including unpressurized coatings supplied in containers with a capacity of more than 30L; and **2.** Paints and stains sold in pressurized aerosol containers.	Any paint, stain or coating sold to the public
Corrosives	Products and substances that are within Class 8B Corrosives under the *Classification Criteria for Products, Substances and Organisms Regulation*.	Acids or bases, such as oven cleaners; drain cleaners; lime; cement; grout
Liquid Fuels	Liquid fuels, including gasoline, heating oil, diesel fuel, kerosene and naphtha.	
Mercury-Containing Products	Products, and mechanical or electrical devices, that contain mercury or mercury compounds.	Medical and cooking thermometers; thermostats; barometers; swimming-pool alarms; PIL switches; electrical wall switches; automobile tilt switches in trunk lights, vanity mirrors, glove boxes and engine hoods; commercial popcorn poppers; laptop computer screen shut-off switches; electric organ controls; lawn tractor fuel level gauges; ice fishing tip-up lights; fluorescent and neon lamps; bug zappers

Category Name	Description of Included Products, Substances, Material, Devices or Equipment	Examples (if applicable)
Pesticides	Control products, as defined in the *Pest Control Products Act* (Canada), that are registered under that Act and required to be labelled with the product class designation "Domestic".	Products for the control or elimination of pests, vermin, weeds, mildew, etc.
Pharmaceuticals	**1.** All unused or expired solid, liquid or gaseous substances or mixtures of substances manufactured, sold or represented for use in a) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal state, or its symptoms; or b) restoring, correcting or modifying organic functions, including prescription and non-prescription medications, as defined by the Drugs Directorate of Health Canada, but not including veterinary medications and products. **2.** Hypodermic syringes distributed for home use.	
Pressurized Flammable-Gas Containers	Reusable or single-use containers, with a capacity from 0.25L to 30L, supplied for the purpose of containing pressurized flammable gases.	Propane tanks; small welding and soldering tanks
Solvents and Flammable Liquids	**1.** Products with a flash point of less than 61°C, determined in accordance with the *Standard Test Method for Flash Point and Fire Point of Liquids by Tag Open-Cup Apparatus,* ASTM Standard D1310-86 (1997)e1, except a) products containing less than 50% water-miscible flammable liquid, as defined by the *Manitoba Fire Code*, by volume with the remainder of the product not being flammable;	Solvents; acetone; alcohol; carburetor or fuel injector cleaners; polishes; adhesives

Category Name	Description of Included Products, Substances, Material, Devices or Equipment	Examples (if applicable)
	b) liquids that have no fire point, determined in accordance with the Standard *Test Method for Flash Point and Fire Point of Liquids by Tag Open-Cup Apparatus;* c) wine and distilled spirit beverages; d) cosmetic and beauty products; (e) drugs, medicines, and other health products; f) unpackaged products or products not ordinarily sold to, used, or purchased by, a consumer without repackaging; g) pre-packaged products produced for use by commercial or industrial enterprises without resale to other consumers as pre-packaged goods; h) coatings formulated for industrial or automotive use; and i) oil, as defined in the *Used Oil, Oil Filters and Containers Stewardship Regulation.* **2.** Paint strippers containing methylene chloride.	
Swimming-Pool Chemicals	Solid products or substances that contain chlorine and are used for the treatment or disinfection of swimming pools or for other household purposes.	